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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,489	12/28/2000	James A. Salomon	F-153	3235

7590

08/28/2002

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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/751,489

Applicant(s)

SALOMON ET AL.

Examiner

Dan Colilla

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 18 June 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 9- are objected to because of the following informalities:

In claim 9, line 2, it appears that “an” should actually be --a--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-6, 8-16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Coudray et al.

With respect to claim 1, Coudray et al. discloses a double belt transport system for moving a mailpiece including a print head 34, an upper looping belt 9 and a lower looping belt 10. The belts form a straight section between rollers 12 and 16 such that they define a registration plane for print head 34 as shown in Figure 4 of Coudray et al. An ingest nip is formed by a lower belt from roller 18 to the straight section as shown in Figure 4. Since rollers press the lower belt upwards against the mailpiece 2 and the upper belt 9, a normal force is

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between the mailpiece 2 and the upper belt 9. Friction is inherent in contact between any surfaces.

With respect to claims 2 and 12, Coudray et al. discloses a lifting mechanism 19-26 as shown in Figure 4.

With respect to claims 3 and 13, Coudray et al. discloses a reference surface 35 which faces the lifting mechanism such that the mailpiece is urged against it in the printing area (col. 6, lines 5-8).

With respect to claims 4 and 14, Coudray et al. discloses pulleys 19 and 22 which define a tangent plane parallel to the registration plane and press against the upper belt 10 through the lower belt 9.

With respect to claims 5 and 15, Coudray et al. discloses a deck 7 which supports the mailpiece 2 as it enters the ingest nip.

With respect to claims 6 and 16, Coudray et al. discloses motor 17 for driving belts 9 and 10 at the same speed so shearing forces are reduced (col. 4, lines 53-67).

With respect to claim 8, although Coudray et al. does not explicitly mention a plurality of inkjet nozzles, the setup of the apparatus would require multiple inkjet nozzles in order to print a franking mark as it passes below the inkjet head. One nozzle would only be able to print a line since the mailpiece 2 passes below the inkjet head in a linear manner.

With respect to claim 9, Coudray et al. discloses the method of providing the above mentioned structure and further discloses that a straight section of the upper belt 9 above the mail intake section of the lower belt 10 form the ingest nip as shown in Figure 4 of Coudray.

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With respect to claim 10, the lifting mechanism 19-26 urges the mailpiece 2 towards the straight section of the upper belt 9.

With respect to claim 11, Coudray discloses a printer (*note print head 34*) with the double belt transport system as mentioned in the above rejection of claim 1, and the ingest nip as mentioned in the above rejection of claim 9.

With respect to claims 18-20, Coudray et al. discloses a tensioning idler 19 for the lower belt 10 and the method of using the idler 19 as shown in Figure 4 and disclosed in col. 4, lines 24-36) of Coudray et al.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coudray et al. as applied to claims 1-6, 8-16 and 18-20 above, and further in view of Wataya et al.

With respect to claims 7 and 17, Coudray et al. discloses the claimed printer except for the velocity measurement mechanism. However Wataya et al. teaches a speed detector 1 which measures the speed of belt 54. It would have been obvious to combine the teaching of Wataya et al. with the printer disclosed by Coudray et al. for the advantage of synchronizing the registration of different colors that are being printed.

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cote et al, Simonotti et al. and Graushar et al. are cited to show other double belt transport systems used with a printer.

***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection based on the newly found patent to Coudray et al.

The amendments to the independent claims may or may not have necessitated the new grounds of rejection since any bodies that touch one another apply normal forces on each other. Although it is believed that each of the patents to Riley et al. and Abrams et al. meet the newly added limitation, it is believed that Coudray et al. better characterizes this limitation. However, it is clear that the new claims required new grounds of rejection and therefore this action is made final.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

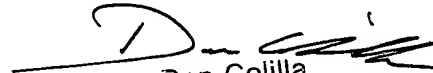
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (703) 308-2259. The examiner can normally be reached M-F, 8:30-5:30. Faxes regarding this application can be sent to (703) 746-4405.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (703)305-6619. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

August 14, 2002

  
Dan Colilla  
Primary Examiner  
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